



Image
\$ RCE
1645
PATENT

Applicant's Docket No. 67686/00-602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: de la Fuente et al.
Application No.: 10/002,636
Filed: 10/26/2001
Confirmation No.: 1974
For: Immunoprotective recombinant antigen from *Anaplasma marginale*,
vaccine compositions and methods of use
Group No.: 1645
Examiner: Minnifield, Nita M.

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [X] deposited with the United States Postal Service in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

- [X] with sufficient postage as first class mail. [] as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

- [] facsimile transmitted to the Patent and Trademark Office (703) _____

Date: April 5, 2004

Signature

Luiz C. Lopez

LUZ C. LOPEZ
(type or print name of person certifying)

04/09/2004 BABRAHA1 00000090 10002636

01 FC:2801

385.00 OP

(Request for Continued Examination (RCE))--page 1 of 5)

04/09/2004 BABRAHA1 00000090 10002636

02 FC:2252

210.00 OP

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure statement (37 C.F.R. Section 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity \$ 385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee <i>OR</i>	Addit. Rate Fee
Total	13	Minus	20	= 0	x \$18 = \$		x \$18 = \$
Indep.	1	Minus	3	= 0	x \$86 = \$		x \$86 = \$
[] First Presentation of Multiple Dependent Claim					+ \$290 = \$		+ \$290 = \$
				Total Addit. Fee	\$_____ <i>OR</i>	Total Addit. Fee	\$_____

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(c) [] No additional fee is required.

OR

(d) [] Total additional fee required is \$_____.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for</u> <u>small entity</u>	<u>Fee for other than</u> <u>small entity</u>
<input type="checkbox"/> one month	\$ 55	\$ 110
<input checked="" type="checkbox"/> two months	\$210	\$ 420
<input type="checkbox"/> three months	\$475	\$ 950
<input type="checkbox"/> four months	\$740	\$1,480
Fee		\$ <u>420.00</u>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>420.00</u>
Total Fee(s) Due:	\$ <u>1,190.00</u>

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

☒ A check is attached for the sum of \$ 595.00

☒ Charge Account 06-0650 the sum of \$ 595.00

☒ A duplicate of this Cover Sheet is attached.

☐ Charge Credit Card the sum of \$ _____
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d)
and/or Section 1.17(a)(1)-(4) to

☒ Account 06-0540

☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

Respectfully submitted,

4/5/04
DATE


SIGNATURE OF PRACTITIONER

Reg. No.: 36,050

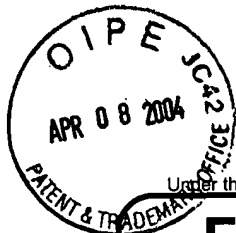
R. Alan Weeks
(type or print name of practitioner)

Tel. No.: (918) 599-0621

321 S. Boston Ave., Suite 800
P.O. Address

Customer No.: 22206

Tulsa, OK 74103-3318



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 595.00

Complete if Known

Application Number	10/002,636
Filing Date	10/26/2001
First Named Inventor	de la Fuente et al.
Examiner Name	Minnifield, Nita M.
Art Unit	1645
Attorney Docket No.	67686/00-602

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

06-0540

Fellers, Snider et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	240.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 595.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

R. Alan Weeks

Registration No.
(Attorney/Agent)

36,050

Telephone 918/599-0621

Signature

Date

4/5/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING UNDER 37 CFR 1.8	
I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April <u>5</u> , 2004.	
Luz C. Lopez	<i>Luz C. Lopez</i>
(Typed name of person signing)	Signature

PATENT
Attorney Docket No.: 67686/00-602
Page 1

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Group No.: 1645
Examiner: Minnifield, Nita M.

Box RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT ACCOMPANYING RCE

a.) INTRODUCTORY COMMENTS

This paper accompanies the filing of a Request for Continued Examination ("RCE"), which is made in response to the Final Action mailed 11/05/03. All fees required for the filing of the RCE are delineated therein and payment has been made as specified. No additional fees are believed due by the filing of this paper. Nonetheless, should any additional fee in fact be due to perfect the filing of either the RCE or this paper, please consider this a general authorization to charge any such deficiency, or credit any overpayment, to Deposit Account 06-0540.

Applicant respectfully requests entry of the amendments reflected in the listing of claims, which begins on page 2 of this paper, and consideration of the remarks beginning on page 5.